

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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INA STEINER, DAVID STEINER, and )  
STEINER ASSOCIATES, LLC, )  
Plaintiffs, )  
v. )  
EBAY INC., et al. ) Case No.: 1:21-cv-11181-DPW  
Defendants. )  
)

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**DEFENDANT STEVE WYMER'S  
MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendant Steve Wymer through his undersigned counsel, respectfully requests that this Court dismiss the Complaint filed by Ina Steiner, David Steiner, and Steiner Associates, LLC (the "Complaint") as to all claims alleged against him. Dismissal is appropriate on grounds that the Complaint fails to state any claim for which relief can be granted against Mr. Wymer.

The Complaint alleges against Mr. Wymer causes of action for Intentional Infliction of Emotion Distress (Count I); Stalking (Count II); Civil RICO (Count III); Violation of Title II, Ch. 12, § 11I (Count IV); Defamation (Count V); Trespassing (Count VI); False Imprisonment (Count VII); Vandalism (Count VIII); Civil Conspiracy (Count IX); Violation of M.G.L. Ch. 93A § 11 (Count X); and Tortious Interference with Business Relations (Count XI). For the reasons stated in

the accompanying memorandum of law, Mr. Wymer moves to dismiss the Complaint, all claims, and each of Counts I through XI to the extent they are alleged against him.

WHEREFORE, Mr. Wymer requests that the Court: (1) grant this motion; (2) dismiss Counts I-XI as to Mr. Wymer; (3) dismiss the Complaint as to Mr. Wymer; and (4) provide further relief as the Court deems fair and just.

**REQUEST FOR ORAL ARGUMENT**

Mr. Wymer respectfully requests a hearing on this motion at the Court's earliest convenience.

Dated: October 29, 2021

Respectfully submitted,

*/s/ Caz Hashemi*  
Caz Hashemi (*pro hac vice*)  
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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)**

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel certifies that counsel for Mr. Wymer conferred with counsel for Plaintiffs regarding this motion. No agreement was reached on the relief sought by Mr. Wymer in this motion, which Plaintiffs intend to oppose.

Dated: October 29, 2021

*/s/ Michael J. Pineault*

Michael J. Pineault

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2021, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: October 29, 2021

*/s/ Michael J. Pineault*

Michael J. Pineault